

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
Northern Division**

2006 FEB -7 A 11: 30

**A. G., a minor child, by and through )  
her mother and next of friend, et al., )**

**Plaintiffs, )**

**vs. )**

**AUTAUGA COUNTY BOARD )  
OF EDUCATION, et al., )**

**Defendants. )**

DEBRA P. HACKETT, CLK  
U.S. DISTRICT COURT  
MIDDLE DISTRICT ALA

**CASE NO. 2:05cv1090-MEF**

**MOTION TO QUASH SUBPOENA**

COMES NOW the City of Prattville, a municipal corporation, by and through their attorney of fact, and moves this Honorable Court to quash the subpoena issued to it in the above-referenced matter, or stay the issuance of same, and for grounds shows as follows:

1. That a subpoena was issued on the 14<sup>th</sup> day of November, 2005, by Michael Crow, attorney for the Plaintiffs, to be served upon the City of Prattville, a municipal corporation, requesting information regarding reports of abuse at Autauga County Schools by Terry Cleveland Wright. A copy of said subpoena is attached hereto as Exhibit "A".

2. The City of Prattville would object to the issuance of said subpoena based upon the following grounds:

a) That the City of Prattville has an ongoing criminal investigation concerning Defendant Terry Wright, and the documents created during said investigation are privileged. See §12-21-3.1, Code of Alabama, 1975;

b) That the criminal case pending against Defendant Terry Wright is

scheduled for plea day on April 20, 2006, and scheduled for trial on May 22, 2006. A copy of the Order setting said case plea day is attached hereto as Exhibit "B", and a copy of the 2006 Autauga County Circuit Criminal Docket is attached hereto as Exhibit "C";

c) That requiring the City of Prattville to turn over such information could jeopardize said investigation and case and the District Attorney's office concurs with this assertion. A copy of an affidavit from Glenn Goggans, Chief Deputy District Attorney, evidencing same, is attached hereto as Exhibit "D";

d) That the victims in the case are juveniles and turning over the documents would violate their right to privacy under federal and state law;  
Furthermore, if released the information could harm and/or stigmatize the minor children.

e) That this request does not fall within the exceptions to any privilege;

f) If this Court is not inclined to quash or stay the subpoena, the City of Prattville requests that the production and review of the requested documents be conducted in-camera, with a protective order regarding same;

g) That the City of Prattville would aver that at such time as their investigation and case is complete, any documentation will be turned over to either side as Ordered by this Court.

3. That the criminal case is pending in state and the status of same is protected under Rule 501 of the Federal Rules of Evidence.

WHEREFORE, the premises considered, the City of Prattville requests this Honorable Court to Quash said subpoena request, or in the alternative, stay said request until the conclusion of the criminal trial, or in the alternative Order that compliance with the subpoena be conducted in-camera, with a protective order regarding same.

City of Prattville would pray for such other, further and different relief to which it may be entitled in the premises.

  
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DAVID A. MCDOWELL


Attorney for City of Prattville, a municipal corporation

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CERTIFICATE OF SERVICE

I hereby certify that I have this the 6<sup>th</sup> day of February, 2006, served a copy of the foregoing upon counsel of record, as set out below, by placing same in the U. S. Mail, postage prepaid and properly addressed to each.

  
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Of Counsel

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